

### **REMARKS**

Claims 9 to 16 and 19 to 23 remain active in this application without amendment and claims 1 to 7 which were withdrawn from consideration have been previously canceled. Claims 10, 13 to 16, 19 and 20 have been allowed and claims 22 and 23 have been indicated to be allowable.

Claims 9, 11, 12 and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by newly cited Nelson et al. (U.S. 5,955,729). The rejection is respectfully traversed.

Claim 21 requires, among other features, means for generation of a molecular interaction bias across the analyte detection chamber. No such features are taught or even remotely suggested by Nelson et al. either alone or in the combination as claimed. Note in Nelson et al. that none of the electrodes are disposed “across” the analyte detection chamber” and, accordingly, these electrodes of Nelson et al. can not and do not perform the function of the claimed means.

Claim 9 depends from claim 21 and therefore defines patentably over Nelson et al. for at least the reasons set forth above with reference to claim 21.

In addition, claim 9 further limits claim 21 by requiring that the molecular interaction bias be electrical. No such combination is taught or suggested by Nelson et al.

Claim 11 requires, among other features, a fluid path having an analyte detection chamber in fluidic communication with the surface plasmon resonance layer having means for generating a molecular interaction bias across the analyte detection chamber to direct bias responsive conjugated molecules to the surface plasmon resonance layer. No

such feature is taught or suggested by Nelson et al. either alone or in the combination as claimed as discussed above with reference to claim 21.

Claim 12 depends from claim 11 and therefore define patentably over Nelson et al. for at least the reasons presented above with reference to claim 11.

In addition, claim 12 further limits claim 11 by requiring that the molecular interaction bias be electrical. No such combination is taught or suggested by Nelson et al.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Cantor", with a stylized flourish at the end.

Jay M. Cantor  
Reg. No. 19906  
(301) 424-0355  
(972) 917-5293